

REMARKS

Examiner's careful consideration of the application is sincerely appreciated.

In response to the Final Office Action of May 13, 2005, Applicants' representative appreciates the Examiner's suggestions to correct 2 minor typographical errors in the specification. The corrections have been made, and entry thereof is respectfully requested, as no new matter has been introduced.

Still further to the Final Office Action, claims 1-18 have been rejected under 35 USC 103 as being unpatentable over US Patent 6,587,867 (Miller et al.) in view of US Patent 6,374,302 (Galasso et al.) In response, the rejections are respectfully traversed for the following reasons.

The Examiner and Applicants' representatives have exchanged extensive, voluminous communication regarding Miller, Galasso and Applicants' claims throughout a long prosecution history of this application. In the interest of brevity and earnest attempt to further the prosecution to its conclusion, Applicants' representative will focus only on 2 recited features in the instant application, which are not found in the prior art. It is believed that focusing only on those 2 features will provide the Examiner with the opportunity not to be distracted by other features of the present invention. While some of those other features also cannot be found in Miller and Galasso and they distinguish Applicants' claims over the prior art of record, at this stage the purpose of this amendment may be better served by concentrating on only 2 features.

Feature 1

With reference to Galasso, assuming for the sake of argument that one of the zones 100, 200 in Galasso corresponds to the claimed "community of interest" of claim 1 of the instant application, a zone gatekeeper (GK) associated with such zone is incapable of determining whether a request received by a party within the zone is for contacting a party that is also within the zone, and if so, completing the contact.

According to Galasso, at column 4, lines 50-63; and column 7, lines 30-67, the zone gatekeeper always contacts the associated action control point serving a plurality of zones in order to complete a call between two parties. For example, in column 4, the Galasso reference states “[w]hen a terminal in one zone 100 wants to communicate with a terminal in a different zone 200, the gatekeeper in the first zone 100 sends an address inquiry, including the terminal alias of the ‘called’ terminal, to the master gatekeeper 310. The customer database associates a terminal address with one or more terminal aliases for each terminal in each zone served by the action control point 300. When the master gatekeeper 310 receives the address inquiry, it uses the customer databases 320 to determine the terminal address associated with the terminal alias.” Thus, the gatekeeper (GK) within each zone is not capable of determining whether a request from a party within the zone may be completed because there is only 1 database – the customer database 320 associated with the master gatekeeper 310. No other database, local or otherwise, is disclosed in Galasso.

On this point, the Examiner disagrees. In fact, in the Final Office Action of May 3, 2004, it is stated that “each local gatekeeper will has [sic] its own local database storing local addresses of the subscribers.”

In reply, it is respectfully requested that the Examiner specifically point out where in Galasso the above statement can be found. According to Applicants’ analysis, no local databases are taught, shown or suggested: the customer databases 320 (Fig. 2) or databases 555, 565, 575 (Fig. 3) are associated with a master gatekeeper or global gatekeeper, respectively, but not a zone gatekeepers (GK) – the Examiner is invited to review column 4, lines 40-53 and column 7, lines 31-45 of Galasso to confirm this.

If the Examiner uses the knowledge of ordinary skill in the art for his above statement, then he is requested to identify a source of information from which to base its argument on one having an ordinary skill in the art.

If the Examiner uses his own knowledge as a skilled artisan, then he must state so. “Particular findings must be made as to the reason the skilled artisan, with no knowledge of the claimed

invention, would have selected these components for combination in the manner claimed.” In re Kotzab, 1371. The MPEP provides guidelines for relying on official notice and personal knowledge:

The rationale supporting an obviousness rejection may be based on common knowledge in the art of “well-known” prior art. The examiner may take official notice of facts outside of the record which are capable of instant and unquestionable demonstration as being “well-known” in the art ...
When a rejection is based on facts within the personal knowledge of the examiner, the data should be stated as specifically as possible, and the facts must be supported, when called for by the applicant, by an affidavit from the examiner. Such an affidavit is subject to contradiction or explanation by the affidavits of the applicant and other persons.

See MPEP §2144.03.

To summarize, it is respectfully submitted that Galasso’s gatekeepers (GK) cannot determine whether “a request ... to contact a party is within said local community of interest” as recited in claim 1 of the instant application. If the Examiner continues disagreeing, he is respectfully requested to point out to the contrary 1) explicit statement in Galasso; 2) a source of information for a skilled artisan; or 3) an affidavit of a personal knowledge. In the absence of such evidence, withdrawal of the rejection is warranted.

Feature 2

According to Miller, “subscribers can easily configure, manage and update their ... profiles via a graphical user interface via a computerized network or ... Internet.” It is respectfully submitted that the Internet or packet switched data network is not used to route contacts at all, whether within the local community or not, and whether any address is stored or not. The only use of the Internet or data network in Miller is to permit the operator of the call center to change the user profile. The user profile can be changed over the Internet but it does not mean, imply or suggest that the call can be routed over the data network. In other words, “a request made over a packet switched data network” as presently recited in claim 1 cannot be found in Miller. Galasso is similarly deficient in disclosing this feature and is relied upon

only for the proposition of contacting a server if not within a local community of interest.

In the Final Office Action, however, “[t]he Examiner disagrees because if the Internet is used for a subscriber to gain access to the system so as to manage his/her profile and service settings, then the Internet can be used for a caller to call the subscriber.”

If the Examiner continues disagreeing, he is respectfully requested to point out 1) explicit statement in Miller; 2) a source of information for a skilled artisan; or 3) an affidavit of a personal knowledge. In the absence of such evidence, withdrawal of the rejection is warranted.

With respect to other independent claims in the instant application, it is respectfully submitted that they (claims 1, 6 and 11) have been amended to more clearly point out the distinguishing features of the present invention, which might not have been obvious to the Examiner from the previously presented claims. It is sincerely believed the currently amended claims contain clearly defined limitations that are not taught or suggested in the prior art of record, as discussed above.

All dependent claims 2-5, 7-10 and 12-18 include additional limitations that further distinguish them over the prior art references. By virtue of their dependency and those additional limitations, it is respectfully submitted that these claims are also patentable and in condition for allowance.

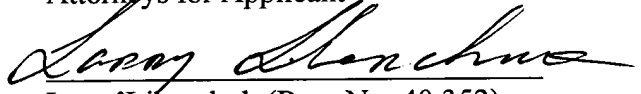
In light of the above, it is respectfully submitted that Miller and Galasso, alone or in combination, fail to teach or suggest all of features recited in the pending claims 1-18 of the instant application. Since the prior art references relied upon by the Examiner do not anticipate or render obvious the present invention, an early issuance of Notice of Allowance is earnestly solicited.

If the Examiner feels that further cooperation is needed in order to advance this case to its allowance, he is requested to call the Applicants' representative.

In the event there are any fees due and owing in connection with this matter, please charge same to our Deposit Account No. 11-0223.

Respectfully submitted,

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Attachment

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal service as first class mail, in a postage prepaid envelope, addressed to Mail Stop AF, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on July 8, 2005.

Dated: July 8, 2005

Signed



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